

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DAVID TARVER,

Petitioner,

v.

STATE OF WASHINGTON AND
DEPARTMENT OF CORRECTIONS

Respondent.

Case No. C05-5237FDB

ORDER TO AMEND

This habeas corpus petition has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636 (b)(1)(B) and Local Magistrates' Rules MJR 3 and MJR 4. Petitioner seeks federal habeas corpus relief pursuant to 28 U.S.C. § 2254. (Dkt. # 6). Petitioner names only the State of Washington and the Department of Corrections as a Respondent. 28 U.S.C. § 2243 requires writs to be directed “to the **person** having custody of the person detained”. (Emphasis added). This person typically is the superintendent of the facility in which the petitioner is incarcerated. Failure to name the petitioner's custodian deprives federal courts of personal jurisdiction. Stanley v. California Supreme Court, 21 F.3d 359, 360 (9th Cir. 1994).

ORDER

